

Article - Labor and Employment

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§3-1708.

(a) If an essential worker believes that an essential employer has violated § 3-1604 of this subtitle:

(1) the essential worker may seek enforcement of rights under § 5-604 of this article; and

(2) the Commissioner shall respond in accordance with the enforcement provisions under Title 5 of this article.

(b) (1) If an essential worker believes that an essential employer has violated § 3-1606 of this subtitle, the essential worker may file a written complaint with the Commissioner.

(2) Within 90 days after the receipt of a written complaint, the Commissioner shall conduct an investigation and attempt to resolve the issue informally through mediation.

(3) (i) If the Commissioner is unable to resolve an issue through mediation during the period stated in paragraph (2) of this subsection and the Commissioner determines that an essential employer has violated this subtitle, the Commissioner shall issue an order.

(ii) An order issued under subparagraph (i) of this paragraph:

1. shall describe the violation;
2. shall direct the payment of the full monetary value of any unpaid public health emergency leave and any actual economic damages;
3. may, in the Commissioner's discretion, direct the payment of an additional amount of up to three times the value of the essential worker's hourly wage for each violation; and
4. may, in the Commissioner's discretion, assess a civil penalty of up to \$1,000 for each essential worker for whom the employer is not in compliance with this subtitle.

(4) The actions taken under paragraphs (2) and (3) of this subsection are subject to the hearing and notice requirements of Title 10, Subtitle 2 of the State Government Article.

(5) Within 30 days after the Commissioner issues an order, an employer shall comply with the order.

(c) If an essential worker believes that an essential employer has violated any other provision of this subtitle:

(1) the essential worker may file a written complaint with the Commissioner; and

(2) the Commissioner shall respond in accordance with the enforcement provisions under Title 5 of this article.

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